

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|--|---|---------------------|
| STATE OF MISSOURI, ex rel. CHRIS KOSTER, |) | |
| Attorney General, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 09-cv-1641 |
| v. |) | |
| |) | |
| PORTFOLIO RECOVERY ASSOCIATES, INC., |) | |
| and |) | |
| PORTFOLIO RECOVERY ASSOCIATES, LLC, |) | |
| |) | |
| Defendants. |) | |

**DEFENDANTS' MOTION FOR LEAVE TO FILE
SUR-REPLY IN OPPOSITION TO PLAINTIFF'S MOTION TO REMAND**

COME NOW, Defendants Portfolio Recovery Associates, Inc. and Portfolio Recovery Associates, LLC, and hereby move for leave to file the attached two-paragraph Sur-Reply in Opposition to Plaintiffs' Motion to Remand. Plaintiff's Reply to Defendants' Opposition to Remand cites *State ex rel. Koster v. American Suzuki Motor Corp.*, No. 09-00519-CV-W-FJG, 2009 WL 3228778 (W.D. Mo. Sept. 30, 2009), a case not mentioned in Plaintiff's original papers filed in support of its motion to remand. The *Suzuki* case, while a recent opinion, was handed down nearly a month before Plaintiff filed its Motion to Remand, involved the same Plaintiff, and stands for the same proposition as other authorities mentioned in Plaintiff's remand papers. It therefore could have been, but was not, cited in Plaintiff's original brief in support of remand (filed on October 20, 2009). Defendants seek an opportunity to address briefly this newly-cited case and to explain how it is not authority for remand and is no different from the other non-CAFA cases cited in Plaintiff's initial brief.

WHEREFORE Defendants respectfully request that this Court grant them leave to file the attached two-paragraph sur-reply.

Respectfully submitted,

BRYAN CAVE LLP

By: /s/ Jeffrey S. Russell

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Inc. and Portfolio Recovery Associates, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2009, the foregoing was served electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Jeffrey S. Russell